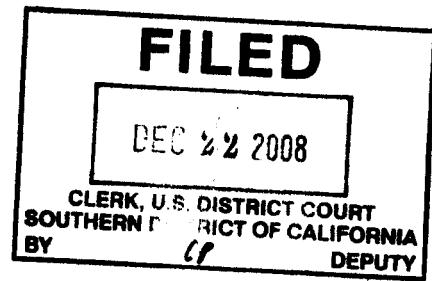


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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

13 ALBERTO PASTRANA.

CASE NO: 06-CV-1779 W(AJB)

Plaintiff,

V.

LOCAL 9509, COMMUNICATIONS
WORKERS OF AMERICA, AFL-CIO, a
Labor Organization; et al.,

**ORDER DENYING EX PARTE
APPLICATION FOR LEAVE
TO FILE MOTION FOR
RECONSIDERATION [DOC.
NO. 96]**

Defendants.

Pending before the Court is Plaintiff's ex parte application for leave to file a motion for reconsideration from this Court's November 20, 2008 order granting in-part and denying in-part Defendants' summary-judgment motions. Plaintiff's request is not based on new evidence or a change in controlling law. Rather, the request is based on the contention that the Court erred in dismissing Plaintiff's second cause of action for violation of Penal Code § 290.46, and for limiting Plaintiff's damages based on the after-acquired evidence defense.

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06cv1779W

1 Having reviewed the moving papers, the Court disagrees with Plaintiff's contention
2 for the reasons explained in the November 20, 2008 order. Accordingly, the Court
3 **DENIES** the ex parte application. (Doc. No. 96.)

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5 **IT IS SO ORDERED.**

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7 **DATE: December 22, 2008**

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HON. THOMAS J. WHELAN
United States District Court
Southern District of California

06cv1779W